Fiat
Johannes · Rastell

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[Old Tenures]

Tenir per seruice de chiualer est a tenir p homage seaute q̄ escuage q̄ treit a luy garde mariage q̄ relief Et nota que seruice de chiualer est seruice de terre ou de tenemēt pour armes porter en guerre en defence du roialme. et doit garde mariage et relief pee la reason q̄ nul est able ne de poiar q̄ ne puit auer cōnusaunce darmes porter auaūt q̄l soit dage de .xxi. ans Et pour taunt que le seignour ne pdra ro q̄ de droit doit auoir q̄ la poiar de sa roialme de rien ne soit enfeble. La lay veet p cause de son tendre age q̄ son seignour luy auera en sa garde tāq̄ al plein age de luy .cestassauoir .xxi. ans

Tenir per graunt sergeātie est sicome vn pme tient certeyn terr̄ ou tenitez de roy daser ouesluy en sō host ou de porter son baū ouesluy en ces guerres, ou amesner sō host ou tiel semblable. Et la appent garde mariage et relief, sicome il appiert en la tretise de gardea q̄ reliefs

Tenir per petit sergeātie est sicome vn pome tient de roy terres ou tenitez rendaūt a luy vn cotel, vn espen vn sete vn arke saūz corde, ou autre seruice semblables a la volunte le primer seffour. Et la nappent garde mariage ne relief. come apiert magna carta capitulo .xxi.

Et nota q̄ pome ne puit tenir per graūte seriātie ne per petit seriātie si non del roy

Tenir per esnage est a tenir p seruice de chiualer. Et la appēt garde

TO hold by knyght seruyce ys to hold by homage fealtee escuage and it dothwyth to hyt ward mariage and releefe/ and know thou that knyght seruyce is seruyce of landys or tenementys to bere armys in warr in the defence of the realme/and it owith warde mariage and relyefe by reason that non is able nor of power nor may not haue knolege to bere armys befor that he be of the age of .xxi. yerres/and for so mych that the lorde shall not lese that that of ryght he owght to haue/and that the power of the realme of nothyng shalbe made weke The lawe wyl be cause of his tender age that the lorde hym shall haue in his warde tyll the full age of hym/that is to saye .xxi. yeres

To hold by graunt seriauntye is as if a man hold certayn landys or tenementis of the kynge to go with hym in his host or to bere his baner with hym in hys warrys/or to lede hys hoste/or lych lyke/and ther longeth warde mariage and relefe as it apperyth in the tretyse of wardys and relytyes.

To hold by petyt sergeaūtye is as yf a man hold of the kyng landys or tenementys yeldyng to hym a knyf/a bokeler a shefe of arows a bow with out stryng or o/ there lyke seruyce at the wyll of the fulle feffour/and there belongyth not ward mariage ne relyef as it apperith in magna carta · capi. xvi. and marke well that a man may not hold by graunt sergeauntye nor petyt sergeaūtye but of the kyng.

To hold by escuage is to hold by knyght seruyce and ther belongyth ward

mariage et relief. ¶ Et nota que
home ne puit tenir p escuage si nō
q̄ il teigne per homage pur ceo q̄
escuage de coie droit tret a luy hom
age com il fuist aiuge en āno xxpi
Edwardi tercii. ¶ Et nota q̄ escu-
age est vn certen somme dargent
q̄ doit estre leue per le seignour de
sō tenaunt solonq̄ le quantite d̄ sō
tenure quelle escuage court p tout
engleterre. Et ordeigne est per tout
le counseil de ēgleterr q̄ chescaunt te
nalit donera a sō seignour q̄ ceo est
p̄mēt pour sustreyner la guerre p̄
tre engleterre et ceux de escose ou
de galys q̄ non pas p̄tre autres
terres pur ceo q̄ les auaunditz ter-
res serrant de droit appēd a la roi
alme de engleter

Tenir per homage auncestrel est ou
leo q̄ mon auncestres ount tenuz de
vous q̄ d̄ vous auncestres de tenirs
d̄t memorye ne court p homage se
aste q̄ certē rent. q̄ nest pas a tener
p seruice de cheualer q̄ la nappent
gard mariage ne relyfe. Et nota q̄
homage puit ēe dit en deux maners.
s. homage auncestrel q̄ homage de
fait homage auncestrel est sa ou vo?
et vous auncestres ount tenuz de moy
q̄ mez auncestres puis le temps d̄ no
si memorye p homage fealte q̄ cer-
tein rēt. Homage d̄ fait est la ou leo
enfeffe vous mesmes a tenir de
moy p homage q̄ rent. Et entaunt
que cest homage comence per mon
fait il est nome l homage de fait Et
nota q̄ homage auncestrel tuelt a luy
vouch. ressaunoit garrāte del an
cestres mes nō pas homage de fait

mariage & relyefe & mark well that a man
may not hold by escuage but that he holde
by homage for that that escuage of compn
ryght dyawyth to hym homage as yt was
iuggyd the .xxi. yere of edwarde the thyr-
de. And note well that escuage ys a cer-
teyne some of mony and ought to be le-
uied by ỳ lord of his tenāt after ỳ quātite
of his tenour when escuage rennyth by all
englond & is ordeyned by all the counsell
of inglond what euery tenaut shall giffe to
hys lord and that is properly for to mayn-
teyn the warrys betwene Englond and
thein of skotland or of walys. and not be
cause ne other landys for that that those for
sayd londys shuld be of ryght belongynge
to the realme of englond.

¶ To hold by homage auncetrell is where
I or my auncestours haue holden of you
and of your auncestors hom ỳ tyme wher
of no mynd rennyth by homage fealte and
certayn rēt. and it is not to hold by anygh
tys seruyce; and therelongith not warde
maryage nor relyfe and note well that ho
mage may be sayd in .ii. maners that is to
say homage auncetrell: and homage de-
fait/homage auncetrel is ther where you
or your auncetours haue holde of me and
myn auncetors after the tyme of no mynd
by homage fealte & rent/homage de fait is
there wher I ēfeff your self to hold of me
by homage and rent and in so myche that
thys homage beginnyth by my dede yt ys
callyd homage de fayt And note well that
homage auncetrell dyawyth to hym vou-
cher that is to say: warrauntye of aunce-
tours: But not homage de fayte.

¶ Tenir p la courtesie dengleterre
est la ou home prent femme enhe-
rite q ont issne fitz ou fille et la fe-
mme deuie soit la issue mort ou en-
vie: le baron tiendra cest terre a ter
me de sa vie p la courtesie dengle-
terre q per la ley. Et en cest case le
fee et le droyt remaynt en la person
celuy de que il tient. Et pur ceo cest
tenaunt ne puit pas aliene en fee
ne a terme dautre vye. Et sil face
bien list a celuy en le reuercio deter

¶ Tenir en fee simple est a tenir a
ascun home ou femme a sun q a ses
heirs q a ses assignes per toutz iors
Tenir en franck tenure est a tenir a
terme de sa vie de mesne ou a ter
me d autre vie. Et en cest cas le fee
q le droyt remaynt en la person ce-
luy de q il tyent. Et pour ceo tielle te
nant ne puit pas alie en fee ne en
de auc vie. Et sil face vie list a celu
en q est fee q le droit d mpert dentrer

Tenir en dower. est lou home en-
heryte prent femme q deuie seir en-
tra q endowera sa feme de la tierce
partye de tout ceo que fuyst a son
baron en sa vie en fee simple ou fe
tayl q ele tyendra celes terres pour
terme de sa vie cõe sõ franck tenemẽt

Tenir a terme dãs nest forsq est
tiel en effect q nul accyõ est mayn
tenable entres le tenner quaunt a
recouerer de franck tenement quar
nul franck tenement est q tun. Lesse
a terme dãs est chaffel real. Et tautre
chatel est toutz biens q est moueable.

Tenir en morgage est a tenir a certe
terme sur condycyon q sile lessour
paye tantz deners a tiel iour que il

¶ To hold by ỹ courteley of iglõde is ther
where a mã taketh a wyfe iheryte / & they
haue issue a sõe or doghter & the wyfe dy-
eth whether ỹ issue be ded or a lyue / ỹ houf
band shall hold this land for terme of his
lyfe by the curtely of englond / and by the
law / for in this case the fee and the tyght
remaynyth in the person of hym of whom
he holdyth / And for that this tenant may
not aleyn in fee nor for term of a nother
lyfe / and yf he do it is well lawfull to hym
in the reuercyon to enter.

¶ To hold in fee semple is to hold to any
man or woman to hym and to his heyrys
and to his allyners for euermore

¶ To hold in fee hold is to hold for terme
of his own lyfe or for terme of a nother
mannys lyfe and in this case the fee and
the tyght remayneth in the person of hym
of whom he holdith / and for that this te-
nãt may not aleyn in fee nor for terme of
lyfe / And if he do it is well lawfull to hym
i whome ỹ fee & ỹ tyght abydyth to enter.

¶ To hold in dower / is where a man inhe
ryte taketh a wyfe and dyeth / the heyre
shall entet & indowe the wyfe of the thryd
parte of all that that was to her husband &
his lyfe in fee symple or fee tayle / and she
shall hold these landis for term of her lyfe
as her free hold.

¶ To hold for terme of yeres / is not but
chatell in effect / for no action is maytena-
ble agayns the termour as to the recoue
ryng of the free hold / for no fre hold is in
hym / a lesse for terme of yeres is chatell
reall / and other chatell is all goodis which
is moueable.

¶ To hold i morgage is to hold to certein
terme vppon condicion that yf the lessour
pay so much money at such a day that he

puit entre & si non q̄ lauter eit fe
ſimple ou fe tayle ou frāk tenemēt
Et en ceſcu cas lour terres ou teſtes
ſount dones a ſome a certain t̄me
ſur condition ō parte le ſeſſour puit
ſayer le leſſe auoyr pluys lōge tēps
ou term ſi lauter ne face ſp com la
condicion eſt les terres & teſtz tanq̄
la iour q̄ la condicō ſerroit fait ſōe
ten⁹ in morgage q̄ ſi in mort gage
Et nota que ſi terr ſoit leſſe a vne
hom in morgage in fe ſymple ou
fe tayle ſur condicion q̄ ſi la primir
leſſour com buaunt t̄ dit pay tantz
des ōners a tyſe iour q̄ il puyt ēter
& ſinon q̄ le leſſe eit meſme leſtat in
les terres q̄ le leſſour luy graūte adē
pmes . & ſi buaunt le iour aſſis le
leſſe ſoit diſſi il auera aſſiſe ō non
diſſin⁹ Et en cas q̄ ſi le leſſe pren
femme & deuie ſeiſy denaūt le iour
aſſis ſa femme ſerra endowe
Et nota q̄ ſi le leſſor apes le mort le
leſſe ne pay les deners a le iour
aſſis adōques la femme tiendra ſa
dower & liſſue ſon heritage
Et en cas q̄ le leſſour a le iour aſſis
pay les deners a̅peir ō le leſſe dōq̄
il puit ouſter la fē & leir auxi ō tout
la t̄re pmeremēt leſſe Et ſi vn fōe
done t̄res a vn autre en ſa tail rēz
dauſt a luy tertel rēt p an & vn t̄re
pur faut ō paymēt le done pnt fēme
& dūi ſeiſe ſa fē ſerra endowe
Et en cas q̄ apes le rēt ſoit aderer
le donour puit ēter & ouſtre le fe &
leir auxi Et nota q̄ ſi t̄res ſoēt leſ
ſez a vn hō en morgage en fee ſur
certei cōdicion/ le leſſe apres le leſ
ſour ſerra chace ō payer les deniers

may enter/ & yf not ỹ ỹ other ſhal haue a fe
ſymple or fee tayl or fee hold/ & i euery caſe
wher land or teneme̅t be gyffyn to a mā
to a certayne terme vppon cōdycyon of ỹ
parte of ỹ leſſour for to mak ỹ leſſe to haue
more long tyme or terme yf ỹ other do not
as ỹ cōdicō ys ỹ lōdys & teñt vntyll the
day ỹ ỹ condicō ſhulde be done be holdin
in morgage/ as in a dede gage.

¶ And note well ỹ yf land be lett to a man
in morgage i fee ſymple or i fee tayle vppō
condicion ỹ yf the furſt leſſour as is before
ſeyd pay ſo much money at ſych a day that
he may enter and yf not ỹ the leſſe haue ỹ
ſame eſtate in the landys ỹ the leſſour dyd
hym graunt at the begynnyng. and yf be
fore the day aſſyned the leſſe be diſſeyſyd he
ſhall haue aſſiſe of nouell diſſeyſyn & i caſe
ỹ yf ỹ leſſe take a wyfe & dye ſeyſed before
ỹ day aſſyned ỹ woman ſhalbe endowed.

¶ And note well that yf the leſſour after ỹ
deth of the leſſee pay not the money at the
day aſſygned then the woman ſhall hold
her dower and the iſſue his herytage.
And i caſe ỹ the leſſour at the day aſſyned
pay ỹ money to the heyre of ỹ leſſee than he
may put out the woman & the heyr alſo/ of
all ỹ land furſt let And yf a mā gyffe lādys
to a nother in the tayle yeldyng to hym a
certayn rēt by yere/ & one enter for defaut
of paymēt/ ỹ doner takyth a wyfe & dyeth
ſeiſyd/ ỹ womā ſhalbe indowyd/ An i caſe
ỹ after ỹ rēt be behid ỹ donour may enē &
put out the womā & heyr alſo. ¶ And
note well ỹ yf lādys be lett to a mā to mor
gage in fe vppon condicyon/ ỹ leſſee doth
aleyn the leſſour ſhalbe chargid to pay the
money

alasiẽ n nõ pas a sõ fesse cẽ il ẽdit

¶ Tenir en burgage est a tenir si come les burgois teignẽt de roy ou de autre seignour terres ou tenues rendant a luy vn certeyn rent par ã ou autrement la ou vn autre põ q burgoys tient dasẽ seignour tres ou tenuz en burgage rendant a lui vn certayn rent p an

¶ Tenir en socage est a tenir dasẽ seignour tres ou tenuz rendant a luy vn certei rent p an. pur touz maners des seruice. Et nota que tenir p socage nest pas tenir p seruice de chiualer ne la appent garde mariage ne reliefs mes ils doubleröt vn foitz lour rent apres la mort lour ancestres sõ ceo q soleit paier a lor seignour q ils ne serröt oustes mes sure grenes Come il appiert en la treatise de gardes q de reliefs.

et nota q̃ socage put estre dit ẽ trois maners. s. socage en fraũk tenure Socage en ayen tenure q socage de basse tenure Socage en fraũk tenure est a tenir fraũkemẽt p certein rent pur touz maners des seruice cõe tenaũt est dit q̃ deuera prescrire amy a lui se gard a q̃ statut ne put ra mie õs cedre tãq al age ien d̃ pluis ãs est assauoir si le heritage seigne p le pl̃ le pere e cesty de pte fauer abõt le gard z e contra Et nota q̃ si gardein socage face wast il ne ferme pas enpesche de wast mes rendra accompte al heir quant il vendera a pleyn age d̃. xxi. ãs Et lies statut de marleberge cap. xv. pur cest matier Socage de auncien tenure est ceo ou gens en auncion demesne

to the alyene & not to the fellee as it is sayd.

¶ To hold in burgage is to hold as yf the burgeys hold of the kyng or of a nother lorde landys or tenementys yeldynge to hym a certayne rent by the yere / or ellys there where an other man than burgeys holdith of any lord lãd or tenemẽt i burgage yeldynge to hi a certayn rẽt by yere

¶ To hold i socage is to hold of any lord land or tenemẽt yeldynge to hym a certeyn rẽt for all maner seruyce ¶ And note well ỹ to hold by socage is not to hold by knyghtys seruyce / nor there longyth not ward mariage nor reliefe / But they shall double ont they rent after ỹ deth of theyr auncetours accordynge to that that they be wont to pay to theyr lorde / And they shall not be ouer meiure greuyd as it apperyth in ỹ treatyse of wardis and releys

¶ And note well that socage may be sayd in ther maner that is to say. Socage i fre tenure is to hold frely by certayne rent for all maner of seruyce as is before seyd / and or ỹ ỹ nert kint body shall haue the ward to whome the herytage may not descend / till the age of .xiiii. yeres that is to sey / yf the herytage come by the part of the fadyr / they of the part of the modyr shall haue the warde and contrary wyse.

¶ And note well ỹ yf ỹ gardeyn in socage do wast he shall not be pechid of wast but he shall yelde accompt to the heyre whan he shall come to his full age of .xxi yeres / and loke ỹ statute of marleberge capitulo .xv. for this matere / Socage in auncyent tenure is that where ỹ people in auncyon demesne

tenoit q̄ne soliēt aūk bie auoit q̄ le monstrauerunt pur eux discharge quant lour seignour euy distrie pur faire autera seruyces q̄ fair ne duiss sent. Et ceste brief doit estre pott en⁹ uers lour seignour et ceux tenaūtz seignent touz p̄ certeyn seruyz Et ils sount franc tenaūtis daūcieō dmesne Socage en basse tenure est sau p̄m tiēt en aūcyō demesne que ne puit auer le monstrauerunt et pur ceo il est appelle le basse tenure.

¶ Tenir en le ferme est a tenir en le siple redd aūt a le seignour le Bar terye ou sa moyte ou al meynys le quart partie p an. Et ne doyt auter chose fayt mes sic come est cōtenu en le feffement. Et q̄ tient en le ferme doit fayr fealte q̄ nient relief.

¶ Tenir en franc fee est a tenir en fe siple tre pūdable a sa coie lay.

¶ Tenir en fee basse est a tenir a la Bolunte le seignour

¶ Tenir en pure villenage est ass faire tout ceo q̄ le seignour lui Boet cōmylder. La diffinicō d villenage est Bolūtās fūc q̄ d tenūt Et il est d q̄ō seignour prent redemption de sa fitē marier ou soy ne sure en fra chise Et le seignour puit sūm ouster des tens ou temz a sa Bolūte q̄ aupi d touz ses bens q̄ chateux Et nota que sokman nest pas pure Villein ne Villi ne doit pas garo nia ūge ne relief ne faire autre ser⁹ uice reall. Et nota q̄ tenure en Bp lenage ne serra mut franc Bōe Villi sil ne soit cōtenu puis le tēps d non memorer ne Villei tre ne fer/a fiāt Bōe Villi ne fiāt tre ne fer⁹ Villein

hold which vse no nother wyrt to haue thā p̄ mōstrauer̄ for to discharge thē whē they⁹ lord distraineth thē for to do other seruyce p̄ they ought not to do/q̄ this wyrt ought to be brought agayns the lord/and those tenantys hold all be on certayne seruyce/ q̄ they be free tenāt of aūcion demesne /Socage in balle tenur is wher a mā holdith in auncion demesne p̄ may not haue the mōstrauerunt /q̄ for that it is callyd the balle tenure.

¶ To hold in fee ferme is to hold in fee symple yeldyng to the lord the value or at the leest the forth pt by yere/and he ought to do no nother thyng but as it is conteynyd in the feffement/and he that holdyth i fee ferme owght to do fealte q̄ not relyef.

¶ To hold in frank fee is to holde in fee symple land pledable at the cōmyn law.

¶ To hold in fee balle is to hold at the wyll of the lord.

¶ To hold in pure villennage is to do all that the lord wyll hym commaunde/The Difinicion of villenage is villen of blod q̄ of tenur/and it is he of whom the lord takyth redemption to marye his doughter/ or to make hym free/ and it is he whō the lord may put out of his landys and tenementys at his will q̄ also of his goodys and catell.

¶ And note well that a sokmā is no pure villeyn nor a villeyn owyth not ward mariage nor relief nor to do no nother seruyce reall.

¶ And note well p̄ tenure in villenage shall make no fre mā villeyn if it be not cōtynued syth tyme out of mynd nor villeyn lād shall make no fre man villeyn/nor fre lād shall make no villeyn fre but yf that p̄

frāk sinoll q̄ le tenant soit receyue
fraūchement puis se cepa ō noūme
more. mes Vilein ser frāk de Vilein
p ssin ou p claim sō seignour. Et no
ta q̄ si Villi purchase certeyn tiz et
pūt sem q̄ nūle q̄ dūe dūit le claym
ou ssin ō sō seignor la se serra dow.
Et nota q̄ en cest cas q̄ le seignr̄ sour
poyse p̄cipe quod reddat ten̄ la
tiene son Vilayn le q̄ il Vouche aga
rāte se issue la Vilein q̄ est Villi a la
seignour il aba la Vouche. Et p pro
testatiō se seignour puit sauer q̄ nō
obstāte q̄ il plede oue son Villi Vn
quore son Vilai ne serra mye e fraū
chise. Et nota q̄ la sierd ne serra iā
mes ainge Vilem si noun p̄ cōm
sauace in court de record.
Et nota q̄ si ret soit due a Vn seyg
nour a Vn frāk ten̄ il sal e ceux
pomes ces executours les que p sōt
Vplayns al dit seignour q̄ deuye les
Vplains a dont accion de det enuers
lour seignour nient obstāt q̄ il plede
ouesqz eux q̄ il fist sace protestation de
ne ferront pur taunt enfraūchise
pur ceo q̄ il s soient a reco uer le dett
auaunt dit al dcep ō dū auter p sō ces
tassauoir al oep lour testatour et
nūt a lour oep dūe sue. Et si le te
nāt e dower eit dūe Villi le q̄ pur
chase certē tre e se q̄ puis se tenāt e
dower entre ele al a sa tre a luy q̄ a
ses heirs a touz iors q̄ il le lay e de
tenāt a cel dās dum Vil. et nota q̄ le
seignor puit rober sō Villein auātre
q̄ chastiser a sa Volūte saue q̄ il ne
puit luy mayme quar dōqz il ad a
appel de mayme vers luy. Et nota
que Vplein puit auer trop s accōs
en vers son seignpoure cetassauoyr
tenaunt haue contynuyd tre lith the tyme
of no mynd But a villeyn shall make frees
land villeyn by leylyn or clayn of the lord
¶ And note wel that if a villeyn purchase
certayn land & take a wyfe and aleyn and
dyeth before the clayn or leilyn of the lord
the wyfe shall be indowed.
¶ And note well that in cale that the lord
bryng a precipe q̄ reddat agayns ȳ attorne
the which vouchith to warrant the iſſue of
of the villeyn which is villeyn to the lord
/he shall haue the voucher/and by protel-
tayon the lord may saue that not withstō
dyng that he plede with his villeyn/ yet
his villeyn shall not be in fraunchild.
¶ And note well ȳ a baſtard shall neuer
be iugyd villeyn but by knolege in courte
of record. ¶ And note well that yf det be
dew by a lord to a freman and he maketh
.n. then his executours ȳ which be villeyns
to the leyd lord & deyth the villeynys shall
haue an accion of det, agayns theyr lord.
And not withstondyng ȳ he plede with the
/and if he make protestacion they shal not
be for to inych t trauchelid/for ȳ that they
be to recouer the det before layd to the vle
of another parfon/ ȳ is to say to the vle of
theyr testatour and not to theyr own vle/
And if the tenant in dower haue a villeyn
which purchelith certayn land in fee and
after ȳ tenant in dower entreyth she shall
haue the land to her & to her heyrs for euer
more/ & the same law is of tenāt for terme
of yerys of a villeyn.
¶ And note well ȳ the lord may rob his
villeyn bete & chastyce at his will/ saue on
ly ȳ he may not mayme hym for thā he shal
haue appell of mayme agayns hym.
¶ And note well that a villeyn may haue
.iii. actions agayns his lord that is to sey

appell of deth of his auncestor appell of rape
don to his wyfe and appell of mayme

¶ And note well yf .ii. parceuers bryng a
writ of neofe and one of them be nonsute
the nonsute of hi shallbe iuggid nonsute/
of them both so that if the nonsute be after
appearance they shalbe put out from that
action forever/ for þ law is such in fauour
of libirte. ¶ And note well if .ii. haue a
villeyn in comyn and one of them make
to hym a manumissiõ he shall not be made
free ageyns both. ¶ And note well that in
a writ de natiuo habẽdo it be nouyth that
the lord shew how he comith prieuey of the
blod of that villeyn of whom he is lord &c.
& yf the nor non of his auncestours were
not seysid of non of his blod / he shall not
wyn by his action/ yf the villeyn haue not
knolegyd i court of record hym selfe to be
his villeyn. ¶ And note well that i a writ
of nyefe may not be put moo nyefys than
twayn but i a writ dõ libertate pbãda may
be put as maney nyefys as þ pleityf wyll.
¶ And note well that yf the villeyn of a
lord be in auncion demesne of the kyng or
other town pryuyllegyd within a yere and
a day the lord may seyse hym/ if he dwell
in the same town or other place fraunche/
sid by a yere and a day without seysyn of
the lord he hath no power to seyse hym af-
ter/ yf he go not in estray owt of þ forsayd
fraunchese.

¶ To hold in the tayll is where a man
holdyth certayne landys or tenementys
to hym and to his heyrys of his body bego
ten. ¶ And note well þ if þ lond be gyffyn
to a man & to his heyres malis & he hath
issu male/ he hath fee symple. & that was ad
iuggid in the parlement of our lord

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appel de mort sõ ancestr. appel de rape
fait a sa femme & appel de mayme
Et nota si deux preueurs portent
bref de noifie & vn de eux soit nõsuit
le nounsuit de lui serra aiugge sa
noifaunce de ambideux issynt que
si le nounsuit soit apes apparu ils
serrõt ousties de cest accion a toutes
hors qar la ley est tiel i fauorẽ libertatis. Et nota si deux ount vn villein en coie et vn deux face a lui vn
manumissiõ il ne serra mie enfran-
chise eiuers ambideux Et nota q en
bref de natiuo habendo, il couient q
le seignor monstre com il adquirra a
prime de sõ auncestr a celuy villein de que il est
seigneour &c. & si ne nul de ses ances-
tres ne soit seisy de nul de sõ villein
per que gardein ad prise corpus
mi & court de record lui est sõ villein
Et nota q en bref de noifse ne purrõt
estre mis pluis forsq̃ .ii. & deux tantz
so mist q hoc introductiõ fuit pur
odiũ seruitutis. mes en bref de fre-
hentale pbãda a pourpont estre mis
plusurs nient cõe le pleintif voudra.
Et nota q si vn nief de seignor soyt
en auncien demesne de roi ou auc
vill priuilegie deuz sãs q tout le seig
nior puit lui seisir & si le more e sa
ville ou lieu franchise p vn & vn
joun sans le sin de sõ seigneor il nad
mie poair de lui seiser e apres si ne fa
en estrai de hors le fuisdit franchise
Tenir en le tail est lou hõe tient cer
teins tẽz ou tenitz a lui & a ses heirs de sõ
corps engeders. et nota q si la treso
re dõe a vn hõe & ases heirs males &
le dit issue male ad fe simple & ceo fu
est a iugge in le plee mes nost seignor

le rop/mes dun ẽres ou ẽfitz fount dones a/Dn bõe & a ses heirs males ỽ sõ corps ẽgeder il ad fee tayl & lis sue semal ne serr. my ẽsterite Vt patet an. xiiii Edwardi. iii en li assis

¶ Tenir en le tayl apꝛs possibilite ỽ issue est exti ẽt lou ẽr est dõe a bõe & a sa fẽme & a les heirs ỽ lor deux corps ẽgẽders il deux surviue lun ẽ salis issue ẽtre eux issãt il tiendra la ẽre a ẽme de sa vie demesne cõe tenaunt en le tayle apꝛs possibilite dissue extient. Et noun obstãte q̃ il face wast il ne serr iammes empesche de cel wast Et nota sil alien en la reuercyon nauera bref dentre iõsimeli casu. Mes il puit enter et sõ enter est tonjeable per Robertum thorp ẽpief. iustic.

¶ Tenir en fraūk mariage est a tenir en le secoũd taile limite en lestat de westm. ii. cap primo. Et le fessor quitera le fesse ỽ touz maners des seruices tãq̃ le quart degre soit pass & le fessour serra touz les seutz & suitz durãt la dit ẽme. Et puis les heires le fesse le ferriot pur ceo q̃ le priuite ỽ sãn est passe Et sil soit distrẽt pur seruice il ad a brief ỽ mesne enuers lui supp̃ q̃ il tient les ẽres de lui mes il nad pas le forjugment sil ne soit en anañtage ỽ ses issues Et nota q̃ apꝛs la qrt degre soit pass il serra attendaūt des tailz des seruices a le donour come le donour est attendaunt al seignr pr dõne Et sil face felonye pur quoy il est atteint le rop ad a sa vie pur ẽme ỽ sa vie naturel. & apꝛs sa mort sõ issue serra enheritc cõe p sone ỽ la tayl the kyng But where landys or tenement be gyffyn to a man & to his heyr malys of his body begoten thã he hath fee tayle & ỹ issue femall shal not be heyrytable/as it apperyth ỹ. xiiii. yere of edward ỹ. ii. i a tytle.

¶ To hold in the tayle after possibilite of issue extent is where lande ys gyffyn to a man & to his wyfe and to ỹ heyr of theyr .ii. bodyes ingendred and one of theym ouer lyuyth ỹ other without issue betwen thẽ goyng owt he shal hold ỹ land for ẽme of his own lyfe as tenãt in the tayle after possibilite of issue extynct. And not withstõdyng ỹ he do wast he shall neuer be impeched of that wast. ¶ And note well yf he aleyne/ he i reẽction shal not haue a wryt of entre in cõsimili casu. But he maye enter & his enter is lawfull p Robertum Thorp. chefe Justic.

¶ To hold in frank mariage is to hold in ỹ iecond tayle lynyt in ỹ statute of westm̃ ieconde. Capitulo primo. And the feffour shall acquyt ỹ tenãt of all maner of seruyce vnto ỹ .iiii. degree be past. & ỹ feffour shall do all the seruyce & suytes duryng the sayd terme/ & aft ỹ heyr of ỹ tenãt shal do it/ for ỹ ỹ the ꝓfite of blod is past & yf he be dystreynyd for seruyce he shal haue a wryt of meine agayn hym supposig that he hyld ỹ land of hym out he shall not haue ỹ forjugmẽt yf it be not i auãtage of his issues And note well ỹ after ỹ .iiii. degre be past he shalbe atendant of as mych seruyce to ỹ douour as ỹ donour is attendaũt to the lord pamoũt & if he do felony for which he is atayntt the kyng shall haue his land for terme of his lyfe naturall & after his deth his issue shall inheryteas by force of ỹ tayll

Et en cest cas nul aba sa tre p̄ soi
desset mes plus q̄ en auc̄ tail Et
en cas que le tenaunt deuie saunce
heier de son corps engender la tre
reuertera a le donour come ser-
roit en la coie tayl Et si home le ssa
sa terre a vn auter en fraunk ma
riage rendaunt a luy vn certai rēt
per an. Il hyendra cest terre en le
comine tayl. q̄ myent en fraunke
mariage .quar par le rent reserue
ceste parroly in liberum marita-
gium sount tout ousirement voy-
des issint que la tenur ferra entend-
uz solōque la tenur en le coie tayl
¶ Et nota que le done en fraunk
mariage ad cōdicyon āneye a luy
non obstante que il nest pas expres
sement declare en le chire del done
Et patet per statut̄ westm̄ secunde
cap. primo de donis condicionalib⁹
¶ Et nota que home ne donet pas
terres ne tenementz en fraunk ma
riage forsque lou le femme est pue
d fra. a le donour Quar autremēt
naueroit home ne feme assez estat
p̄ tiel fessemēt forsq̄ a terme de vie
Tenyr en fraunk almoigne est a
tenir terr̄ ou tenitz pur dieu servir q̄
sell esglise dolver saūs faire nul an
tre manere de servic̄
Et nota q̄ en cest cas le donour est
mesne q̄ luy doit acquiter fraunche
mēt vers le chief seignour q̄ auyp
reuy q̄ seignorie e fraūk almoygne
ne serroit feoalte .mes ceuy q̄ seig-
nōt en fraūk mariag̃ serrōt feoalte
Tenir per elegit est lou home ad re
covere det ou dam̄ per brief devers
vn auter ou par commūnance ou
en autre maneris: ¶ Anera

& i this cale nōe shal haue his lād̄ by way
of eschey̆te no moze thā in any other tayll/
And in cale that the tenaunt dye without
heyze of his body begoton the land shall
reuerte to the donour as it shuld in the cō
myn tayle And if a man lett his land to a
nother in frāk mariage yelding to hym a
certeyn rent by yere he shal hold this land
in the comyn tayle and not i frank mari-
age foz by the rent reseruyd these woz̄dys
in liberū maritagium be all vtterly voyd
so that the tenoure shalbe intendyd afte
the tenure in commyn tayle.

¶ And note well that ỹ gyft i frank mari
age hath a condicio anexid to hit notwith
stondyng that it be not opynly declared in
the dede of the gyft as it apperith by the
statute of westm̄ second capitulo p̄imo
de donis condicionalibus

¶ And note well that a man shall not gyft
londys nor tenementys in frank mariage
but where the woman is p̄ueyey of blod to
the donour/ foz ellys the man noz the wo-
man shall haue no nother estate by the fe
fement but foz terme of lyfe

¶ To hold in franke almoyne is to hold
land̄ oz tenemēt̄ for to serue god & holy
chirch to indow without doyng & other
maner of seruyce/ And note well that in
this cale le donours ys meane & ought to
acquyte hym fzely agayns ỹ chefe loz̄d/ &
also they ỹ hold i frank almoyn shal do no
fealte/ but they that hold ifranke mariag
shall do fealte.

¶ To hold by elegit is wher a mā hath reco-
vered det oz dāage by writ agais a nother
oz by knolege oz i other māer he shal haue

dela ſa vers ſup vn bref iudicial
nome elegit. dauer execucion del
moyte de toutes ſes terres & tenu-
uy exceptis bobis & affris a ſa ca-
ruces tan̄ ſe det ou les dam̄ ſoient
ouſtez leues en paper. a tut̄ q dura
te ceſt terme il eſt tenaunt p elegit
¶ Et nota ſyl ſoyt ouſt hors le
term il auer aſſiſe de nouel diſſin &
apꝛs vne reddiſſin ſi myſter ſoit &
ceſt dait par ſeſtatut de weſtm̄ ii.
cap. y vii, & auxi per le qe de meſ
me leſtatut celuy que ad ſon eſtate
ſikl ſoit ouſte/ auera aſſiſe & redi
ſin ſi myſter ſoit. Et auxi ſil face
ſes executours & deuie & ſes execu
tours entrēt & puis ſoit ouſtes ſi
aueront p ſequite demeſme leſta-
tut accion com ſup meſme ſuiſoit
Mes ſyl ſoyt ouſte & puis face ſes
executours & deui ſes executours
pourront entrer & ſils ſoient eſtop-
pes de lour ent ils aueront vn bre-
ef de treſpace ſur lour matr & cace
¶ Et nota ſil face waſt en tout ſa
terre ou en parcel ſauf̄ auera cuers
ſup mayntenaūce vn bref iudicial
hors de ſa primer record noſme ve
nire facias ad computandum pforce
de quel ſerra enquis ſik a deu tou
tes ſes deniers ou parcel & ſik ad ſe
ue ſes deniers, donques ſerra enqs
a quaunt ſe waſt amounte. Et ſi
le waſt amounte ſi non a parcell
donques taunten des deniers que
le waſt amounta ſerra abrigge de
les ſuiſditz deniers quey fuera eſti-
ers leues. Mes ſil ad fayt pluys
waſte que ſe auaſſendyt ſomme
dargent q̄ ſuiſt a eſtre leue amoūte

within the yere agayns hym a wryt Judi-
ciall callyd elegit to haue execucion of the
halfe of all hys landys and catellys excep-
te oxyn and beſtys of his plowe tyl the det
or the damagis be vtterly leued or payd to
hym & durig this terme he is tenaūt bi ele-
git.

¶ And note well yf he be put out within
the terme he ſhall haue aſſile of nouell diſ-
ſeſylyn and after a redelleylyn yf nede be:
& this is gyllyn by the ſtatute of weſtm̄. ii.
capitulo. xvii/ and alſo by the equite of the
ſame ſtatute: he that hath hys eſtate yf he
be put owt ſhall haue aſſile and a redylley
lyn yf nede be: and alſo yf he make his exe-
cutours and dye & hys executours enter &
after be put out they ſhall haue by the eqte
of the ſame ſtatute ſuch accion as he hym
ſelf before layd but yf he be put owt & after
make his executours and dye hys execu-
tours maye enter and yf they be ſtoppyd
of they entre they ſhal haue a wryt of treſ
pas vppon they matter and caſe.

¶ And note well yf he doo waſt in all the
land or perceil the other ſhall haue agayns
hym incontynent a wryte Judiciall owt
of the furſt recorde callyd a venire facias.
ad cōputand. by whych it ſhalbe enquiryd
yf he haue leued all the money or perceil.
and yf he haue not leued the money than
it ſhalbe inquiryd. to how mych the waſt
amountyth and yf the waſt mounte but
to perceil. than as much of the money as
ꝑ waſt amoūtyth ſhalbe abredgid of ꝑ for
layd money which was to be leued. but if
he haue dōe more waſt thā ꝑ forlayd ſome
of money which was to be leued amoūtyth

saunter sera discharge mayntenant de toutez les deners susdites q̄ recouera sa terre Et pur la superfluite de wast fait ouster ceo q̄ amounte a le dit summe il recouera ses dam̄ sengles/ & mesme la ley est de ses ex ecutk & auxi de cestuy q̄ ad sō estat Et nota q̄ en elegit si le Vic. retorn que il auoit rien iour de la reconi- saunce fait. Mes q̄ il purchase ter re puis le tēps adōques la partie pleyntk auera nouel brief dauer ex recutiō ō ceo Mesme la ley dun estatut merchaunt. Et nota que apres le. fiere facias homme puit auer le elegit mes non contra. en taunt q̄ le elegit est de pluys haut nature le fieri facias

¶ Et nota que si home recouer p brife de det & sue vne fieri facias et le Vic. retourne q̄ sa partye nad ryens dount il puit faire gree a la partye cy auera dōques le pleyntif vn elegit ou vn capias sicut alias & plur. Et si le Vic. retourne a le ca pias mitto vobis corp⁹ & il nad ri ens dont il puit faire gree al a ptie il sera maunde al .Oaste de ffitt & illōqz demour a tāq̄ il ad fait gre a la partie & si le Vic. retourne non est inuentus adonques isserā sey- igent enuers luy

¶ Et nota que en brief de det port deuers person de seynt englise q̄ nad rien de lay fee & le Vic. retour ne que il nad riens per que il puit estre som adonquez serra le pleyn tif brif alleuesq̄ il face venir son clerk & trues que luy ferra venir p sequestracion del eglise

the other shall be dyschargyd by & by of all ỳ sayd money & shall recouer the land/ and for the superfluite of the wast made aboue ỳ that amountyth to the seyd some he shall recouer hys damag̃ syngle/ & ỳ same law is of hys executours & allo of hym ỳ hath his estate/ And note well that in an elegit /yf the shyryff retorn ỳ he had nought the day of ỳ retonysaunce made/ but that he purchalyde land̃ after the tyme/ then the pte pleyntyf shall haue a new wryt to haue execucion therof that same law is of a sta tute marchante

And note well ỳ for after a fieri facias a mā may haue the elegit but not contrary wyse/ for so mych that the elegit is of more hyer nature than the fieri facias And note well/ ỳ yf a man recouer by a wryt of det & lewyth a fieri facias & the shyryff retorne ỳ the parte hath nothynge wherof he may make gre with the parte then the pleyntyf shall haue a capias sicut alias/ & a pluries & yf the shyryff retorn at the capias mitto vobis tor⁹ & he haue nothyng wherof he may make gre to the parte/ he shalbe send to the pyson of the flete & ther shall abyde tyl he hath made gremente with the parte & yf the shyryf retourne nō est inuent⁹ then there shal go forth an exigent agayns hym

And note well ỳ in a wryt of det brought agayns a parsō of holy church which hath nothyng of lay fee & the shyryff retornyth that he hath nought by whiche he may be somoned then shall the pleyntyff shew a wryt to the bysshop that he make his clerk to come and ỳ bysshop shall make hym to come by sequestracion of the church

Et nota q̄ si hom port accion̄ sur le det q̄
recit fuer sez tpor. q̄ deuie deuant
execucion̄ obstante q̄ il soit del
lan por vn scire facias

¶ Memp̄ le statut merchant ne chalenge estat
forme. comist a payer certayn deniers
a vn a lieu a certeyn iour deuant le
mayr Viles q̄ad poiat de faire execucion de
mesme le statut a si lob̄ligee ne pai a
le iour assis le dit q̄ rien̄ ne sez. Dien
le dit q̄ les biens ne purront estre trouez
deins la garde le mayr ou gardayn ac
tuall mes en autre lieu deins lob̄
lis le recognisee suera le recognisance et
obligacion̄ vne. Le certifficacion̄ de chan
cer̄ ou somons le seal le mayr q̄ ad a bon
de la chancery. En maniere de le. de
comun il est de luy prender mesme en p
son fil ne soit clerk tanq̄ il ad fait gre
de la det Et vn quart de an apres
q̄ il serra pris il aba sa cers̄ de a luy
mesmes pur fayre gre a celuy p̄ q̄ det
Et il put vender tanq̄ il e in pris̄ q
sa bene fer a bon̄ q̄ estatut Et si ne
face gre deins le quart dan̄ apres
soit retorn̄ q̄ il nest trouue q̄ si no soit
clerk adonq̄s le recognisee puit auer de
le chancery q̄ est appel Extendi fac.
directz al tonz Viscountz ad terras dec
cedor ses terres q̄ ses biens a luy q̄ luy
seisez in les terres pur ses tenir a luy
q̄ ces heirs q̄ assignes tanq̄ le det soit
leue ou pay q̄ p cel tẽps il e tenant p
le statut marchant. Et nota q̄ en le statut
marchant le recognisee aba execucion̄ de
touz les terres q̄ le recognisour auoyt
le iour de la recognisance fayt q̄ vnques

¶ And note well ỹ if a man bringe a writ
of det & recouer & make his executors & dy
they shall haue execution not withandynge
ỹ it be within a yere by a scire facias.

¶ To hold by statute merchaũt is where a
man knoleges hym to pay certayn money to a
nother at a certayne day before the mayre
bayly or other warden of any town that
hath power to make execution of the same
statute and if the oblyge pay not the det at
the day & notyfyng of hys goodes landes or
tenementes may be found within ỹ ward
of the mayre or wardeyn before sayd but in
other platys wythout than the recognyle
shall shew the recognysaunce & oblygaciõ
& replycation to the chauncery vnder the
kyngis seale & he shall haue out of ỹ chau-
cery a capias to the Shyryf of the counte
wher he is to take hym & to put hym in pry
son if he be not a clark tyll he haue greinet
of the det. And one quarter of the yere aft
that he shalbe taken he shall haue hys lad
delyuered to hym selfe to make gre to ỹ pte
of the det and he may sell it whyle he is in
pryson and hys sale shalbe good & lawfull.
¶ And if he do not gree wythyn a quarter
of a yere or yf it be retornyd ỹ he be not fo
und than the recomise may haue a writ of
ỹ chaucery whych is callyd extendi facias
direct to all shyryfs wher he hath landys to
extend hys lades & goodys to hym & to seyse
hym in hys landes to hold them to hym & to
hys heyrys & his allygnes tyll that ỹ det be
leuyd or payd and by thys time he is tenãt
by statute merchant. And note well that
in a statute merchant ỹ recognyle shall haue
execuciõ of all ỹ landes which the recomisour
had ỹ day of ỹ recomisaũce made and any
tyme

after/ by force of the same statute

¶ And note well ỳ whan any waste or dystruccõ is made by the reconise or by hym ỳ hath his estate ỳ reconisour or his executours shall haue the same law as is before seyd of tenaunt by elegit/ and that is by the statute marchant late made at westm

¶ And note well yf ỳ tenaunt by statute marchaũt hold ouer hys terme he ỳ hath right may lewa gayns hym a venire fac ad cõputand or elles enter by and by

¶ Ther be thre maner of rentys that is to sey rent seruice rent charge and rent seke rent seruyce is where a man holdyth of a nother by fealte and for to do suit to his court and yeldynge to hym a certayn rent by the yere for all maner of seruices.

¶ And note well that yf the lord be seyled of the seruyce and rent before/ayd & they be behynd and he dystrayne and the tenaũt resco in the distrelle he may haue assise or a wryt of rescous/ but it is more necessary for hym to haue assise than a wryt of rescous/ for so much that by assise he shall recouer his rent and his damagis/ but by a wryt of rescous he shall not recouer but the thyng and the damagis.

¶ And note well that yf ỳ lord be not seyssid of the rent and seruyce and they be behynd and he dystrayn for them and the tenant take agayne the dystresse/ he shall not haue assise but a wryt of rescous.

¶ And note well that yf the lord distrayn his tenant in locage for knyghtys seruyce which is not withlayd of hym and avow for the same seruyce in court of record he shalbe chargyd by the same seruyce per ¶ Synch termino hillarii anno. xlvi.

puis p force de mesme lestatut

Et nota q̃ quant ascũ waste ou distruccion est fait p le reconisee ou p cestui qui ad son estate le reconisour q̃ les executours meyntenir mesme la seyssine est suffisant de le tenaunt p elegit. Et ceo p lestatut merchant darr fait a westm Et nota si tenaũt p lestatut merchaũt tient outre son terme cestuy q̃ ad droyt put suer venire fac de nouel sur le nouel. ad cõputand ou toutz autres

Trois maners de rentis y sont cestassauoir rent seruyce rent charge & rent sek. Rent seruice est lou home tient dun autre p foialte & pur faire suit a sa court & rendant a luy certein rent pur toutz maners dez seruice. Et nota que si le seignour soit seisy de les seruis & rent accustumez dites & ils soient aderer & dystreyn & le tenaũt resoune la distresse il puit auer assise ou brief de rescous mes il est plus necessarie pur luy auer assise q̃ brief de rescous pur tant q̃ p assise il recouera son rent sea damages p brief de rescous il ne recouera mes les reprises & les dam. Et nota que si le seignour ne soit mie seisy del rent & seruyce et ils soumta de rer & il distreyn pur cuy & tenaũt repusa la distresse il ne mi puit auer assise mes brief de rescous. Et nota q̃ si le seignour distreyn son tenaũt en socage pur seruice de chiualer q̃ ne ỏ dit de luy & auowe pur fitz de seruices en court de record il serra charge p tiels seruices p ¶ Synch̃ t̃mino pr̃ hilarii anno. xlvi.

Et nota q̄ si le seygnour ne puit mye trouere distresse p. ii. ans il aba vers le tenant bī de cessauit p biennīū bī p̄ter p̄ statut de westm. ii. cap. xxvi. Et si le tenaunt deuye en sin le tēps q̄ son issue entr le seignour aba vs̄ issue bī dentr sur cessauit / ou si le tenaunt alyene le seignour aba vs̄ le alyene sa uaundt brefe / Mes si le seignour ad issue q̄ deuye q̄ le tenaunt soit en arerage de dites rēt q̄ seruyces de le tēps le pier del issue q̄ nemye in temps dell issue il ne puit mie dystrein pur arerage en tem̄s son pyer q̄ il naba asaun auter recouere vs̄ le tenaunt ou a scīt auter purc. q̄ tiel auantage est done p̄ le say al tenaūt. Et nota q̄ rent seruice est a q̄ appent fealte mes a rēt charge q̄ rent sec̄ ne appent pas fealte mes il appent a rent seruyce de cōen droit.

¶ Rent charge est ou home graunt certayn rēt issāt de ses terres ou tenīz a vn auter en fe symple ou en fe tayl ou a terme deuye per fayt sur cōdicīō q̄ a q̄ heure q̄ le rent soyt aderer bien lisi a graunte ou a ses heyrys ou assignes dist̄ in sin le terre ou tenīz.

Et nota q̄ si le rent soit a derer bī sist a le graunte p̄ electīō qba bī dāmuyte ou il puit distreiner q̄ si la distresse soit rauyse de luy q̄ il ne fuyst mye seisy ad uaunt il nad mye recouere forsq̄ p bī de rescous q̄r le dystres p̄mierement fait ne done a luy sin forsq̄ sil p̄ appe le rēt adeuaunt quar sil fuist seysy del rent adeuant q̄ puis le rent soit aderē q̄ il distreyn q̄ rescous a luy soit fait il aba assīse ou bre̅ de rescous.

¶ And note well that yf the lord may not fynd a distresse by .ii. yere he shall haue a gayns the tenaunt a wryt of cessauit per biennium as it aperith by the statute of westm. ii. capitlo. xxi. And yf ỹ tenāt dye the same tyme and his issue enter the lord shall haue agayns the issue a wryt sur cessauit or yf the tenant alyen the lord shall haue agayns the alyene the forsayd wryt But yf the lord haue issue and dye and the tenant be in arerage of the sayd rent and seruyce in the tyme of the fader of the issu and not in ỹ tyme of the issue he may not distrayne for the areragis in the tyme of his fader q̄ he shall haue no other recouere agayns ỹ tenāt or any other for that ỹ sich aduantage is gyffyn by the law to ỹ tenāt

¶ And note well that rent seruyce is to ỹ whych belongith fealte but to rent charge and rent sec̄ longith not fealte but yt be longyth to rent seruyce of comyn ryght.

¶ Rent charge is where a man grauntyth certeyn rent goyng owt of his landys or tenementys to a nother in fee symple or in fee tayle or for terme of lyfe by dede vppō condycion that at what day that the rent be behynd it shalbe well lawfull to the graunte or his heyres or assynys to distreyn ī the same landis or tenementys.

¶ And note well that yf the rent be behind it is well lawfull to the graūte by election to haue a wryt of annuite or ellys he may distreyn q̄ yf ỹ dystresse be takyn agayns hys will for hym q̄ he was neuer seysyd before he hath no recouere but by wryt of rescous for ỹ distresse first takyn gyffyth not to hym seisē but yf he hap ỹ rent before yf he were seisyd of ỹ rent before q̄ after ỹ rent be behynd q̄ he distreyn q̄ rescous to hi be made he shal haue assise or a wryt of rescous

Et nota que en chescun assyse de rent charge q̄ dannuel rēt q̄ en bl̄ dānuite coūert a celui q̄ porta bl̄ de mōstr̄ auaist especialte ou autrem̄t il ne mayntene ra assise mes q̄ mout daūcestr̄ ou fome doit en la discēder q̄ autres bls en ls q̄ tytles est done ou compris de rent charge ou dannuel rent nest mye besoigne de monster especialte

Et nota q̄ si home graūte rent charg a vne auter q̄ le graunte purchas le moyte de la terre dōt le rēt e issant tout le rēt est extient/Et si le graunte releisse a le graintour parcel de la rēt vnquor tout le rēt nest extiēt. Mez ē rēt seruyce non obstante q̄ le seignior ad la moyte purchas de la terr: dont le rēt est issant vnquor le rent nest pas extrent forsq̄ a la moyte q̄ la cause e de diuisite pur ceo que rent seruyce puit estre seuera a vn pson n: ez nemy rēt charg

Et nota q̄ si rent charge soit graūte a deux ioyntenantz q̄ sun releise vn quor lauter auera la moyte del rent

Et auxi si lun purchas le moyte de la terr dont le rēt est issant lauter ad a le moyte del rēt de son compaignion.
Et si disseisour charge la terr a vne estraunge q̄ le disseisie porte lassyse q̄ recouere le charge est defete.
Mez si celuy que ad droit charge la terre q̄ vn estraunge sayn vn sanp action enuers luy q̄ nad droit q̄ recouera per defaut le charge demurra

And note wel that i euery assise of rent charge and ānuall rent or i a writ of ānuite it behouyth to hym that bryngyth the writ to shew forth an especialte or ells he shall not mayntayn assyse/but in a mordaūcestour or formedon in the descender or other writt̄ in the which tytle is gyffē or cōprisid of rent charge or anuell rent it nedyth not to shew especialte.

And note well that yf a man graunt a rent charge to a nother/and the graunte purchase the halff of the land wherof the rent is goynge owt all the rent is extinte and yf the graūte releisse to the graūntour parcel of the rent yet all the rent is not extynct/But in rent seruyce not wythstondyng that the lorde hath purchasyd the halff of the land wherof ꝑ rent is goyng owt/yet the rent is not extynte but for ꝑ halff and the cause is of the dyuersite for that that rent seruyce may be seueryd to one parson but not rent charge.

And note well that yf rent charge be grauntyd to two ioyntenauntys and ꝑ one releisse yet the other shall haue ꝑ halff of the rent and allso yf one purchase the halff of the land wherof the rent is going owt /the other shall haue the halff of the rent of his compenion And yf the disseisour charge the land to a stranger and the disseyle bryng assise and recouer the charge is defetyd But yf he ꝑ hath ryght charge the land and a straunger sayne a false action agayns hym and recouer by defaute the charge abydyth.

Et nota que en cas que purparte soit
p̄rentre deux p̄ceners & pluis terr
soit alloue a lun que a lauter & celuy q̄
ad pluis de terre ch̄arge sa terre a lau
terre & el̄ happe le rent el̄ mayntenera
assise saūs especialte. Et si le graūte
lauoit in fe simple ou ē fee tayl et ad
issue & deuie si issue porte vn forme
done ou assise de mordaūc. il ne serra
iamais ch̄arge de monst̄r especialte.

¶ Rent sek est lieu ꝑsone tient ō moy
per ꝓmage fealte & autres seruyces
rendaunt a moy vn certayn rent per
an. et ieo graunte cest rent a vn aut̄
reseruaunt a moy le seruyces:
¶ Et nota que en rēt sek si ꝑsone soit
seisy del rent et le rent soit aderere il
ne puit mye distreyner / mes il auera
assise de no. diss in.
¶ Et nota que si rent sek soit graūte
a vne ꝑsone & a ses heyrs & le rent soit
aderere et le graūntour deuye seyr ne
purra mye distreyner ne recouera le a
rerage de temps son pier fuit me est a
uaunt dit en rent seruyce.
¶ Et en mesme maner est adyt en rent
ch̄arge ou annel rent / mes en toutz
les rentis auaundits seyr purra auer
pur arrerage en son temps demra sne
ūle auauntage cōe auoyt son pper en
sa vye.
Et nota que en rent sek si ꝑsone ne soit
seysy del rēt et il soit aderer il est saūs
recouerer pur ceo que il fuist sa folye ō
mesne adōmes quāt le rēt fuist graūt
a lui ou reserue q̄ il ne fist myss in del
rent si ceo vn diner ou treup

¶ And note well that in case that purparte
be betwen two perceners and more land
be alotted to one than to the other and she
that hath more of ꝑ land chargyth her land
to ꝑ other and she happyth ꝑ rent she shall
maynteyn assise without especialte and yf
the graunte haue it in fee symple or in fee
tayle and hath issue and dyeth / yf the issue
bryng a formedone or assyse of mordaun-
cestour he shall neuer be chargid to shew
an especialte.

¶ Rent sek is wher a man holdyth of me
by homage fealte & other seruyce yeldyng
to me a certayne rent by the yere and I
graunt this rent to a nother reseruyng to
me the seruyce.

¶ And note well that i rent sek if a man be
seisid of the rent / and the rent be behynde
he may not distreyn but he shall haue assise
of nouell dissleysyn.

¶ And note well that rent sek be graun-
tyd to a man and to his heyrs and the rent
be behynd & ꝑ graūtour dye the heyre may
not distrayne nor shall not recouer / the a
rerages of the tyme of his fadyr as it is be
fore sayde of rent seruyce.
¶ And in ꝑ same maner it is to sey of rent
charge or anuell rent / But in all these rēt
before sayd the heyr may haue for ꝑ arera-
ges in his own tyme sych aduauntage as
his fadyr had in his lyfe.
¶ And note well that in rent sek yf a man
be not seised of the rent & it be behynd he
is wythout recouer for that ꝑ yt was hys
owne folye at the begynnyng when ꝑ rent
was graunted to hym or reserued that he
toke not seysyn of ꝑ rent as a peny or .ii. ō

Et nota q̄ home ne puit nye auer ces
ſauit p̄ biennīſ ou auer ſ̄ dentre ſur
ceſſauit pur nul rent ſeke arere per
.ii. ans. mes ils purr̄t tout ſolement
pur rent ſeruyce Dc̄ q̄ret in ſtatuto
Et nota q̄ en rent ſeke il conient pur
luy q̄ ſue pur le rent ſek̄ pur mes fait
atenaunt ou autrement le tenaunt
ne ſerra nye charge del rent forſq̄ lou
le rent ſeke fuiſt rent ſeruyce adenaūt
come en ceſt cas ſeignour meſne & te-
naunt & chaſcū deux tient dauter per
homage & foialte & .v.s. de rent le ſey-
nour peramount purchaſe les tenēs ou
tenūtz de le tenaunt tout le ſeignourp
le meſne forſque puis le rent eſt extēt
Et pur ceſt cauſe ceſt rent eſt deuenuz
rent ſek̄ z le rent ſeruyce change quar
cōme ne puit diſtreyn pur ceſt rent
Et en ceſt cas celuy q̄ demaunde le rēt
ne ſerra tāps chaſe de monſtre fait
Auxi en brief de mordaūc. aiel me le
ſayle de rent ſek̄ ne boyſoi mes eſpeci
alte pur. q̄ ceſtes briefs de poſſeſſion
cōphendēt Un tiele deinz cuy me ſuis
relaſſanoit que laiſe fuit ſeiſi d̄ meſme
le rent & cōtinua ſa poſſeſſiō p cauſe
de quel iſſin la ley ſuppoſe que & auxi
auerrable per pays/tamē quere/quar
aſſiſe ſuppoſōt que il conient affirme
forſe a moſtrer auaūt fait pur ceo q̄
rent ſeke eſt Un choſe encōtre voie droit
auxi bien cōe rēt charge. mes en aſſiſe
de no. diſſin & en brief dētre ſur diſſin
q̄nt de rent ſek̄ il conient de ſie force
moſtre auaūt fait pur. que rent ſek̄
eſt Un choſe encontre voie droit ſinon
in le caſe ſuſdit ou il fayſt rēt ſeruice
adenaunt.

And note well ꝑ a man may not haue
a ceſſaunt per biennium or a nother wryt
of entre ſur ceſſauit for no rent ſek behynd
by .ii. yer̄ but they may all only for rēt ſer
uyce as it apperyth in the ſtatute.

And note well ꝑ in rent ſeke it behouyth
for hym that ſe with for the rent ſek for to
ſhew a dede to the tenaunt or elle ꝑ tenāt
ſhal not be chargyd of ꝑ rent but wher the
rent ſek was rent ſeruyce before/as in this
caſe/lorde meſne & tenant & euery of them
holdyth of other by homage fealte & .rs.
of rēt/ꝑ lord paramount purchayſith ꝑ land
or tenement of ꝑ tenant/all the ſignioury
of the meſne but ꝑ rēt is extynct/And for
this cauſe this rent is become rent ſek/& ꝑ
rent ſeruys chaūgyd/for he may not diſ-
treyn for this rent & i this caſe he ꝑ demā
dith the rēt ſhal neuer be chargyd to ſhew
a dede/alſo in a wryt of mordaunceſtour
ayle nor beſayle of rent ſeke it nedyth not
to ſhew a ſpecyalte for ꝑ ꝑ theſe wryt of
poſſeſſiō do cōprehend a tytle within them
ſelff that is to ſay that the auncelstour was
ſeiſed of the ſame rent and continuyd his
poſſeſſyō by cauſe of which ſeylyn the law
ſuppoſith that it is alſo auerable by the
countrey tamen quere for ſome ſuppoſe
that yt behouith of neceſſite to ſhew forth
a dede for that that rent ſek is a thyng/
agayns comyn ryght as well as rent char
ge. But in aſſiſe of nouell diſſeyſyn and in
a wryt of entre ſur diſſeyſyn brought of
rent ſek it behouyth of neceſſite to ſhew
forth a dede for that ꝑ rent ſek is a thyng/
agayns comyn ryght except in ꝑ caſe befor
ſeyd where it was rent ſeruyce before

Et assise de mo disseisin & brief de nouel
sur disseisin ne contreignet deis eux
nulle eulx. Mes supposet vn disseisin
estre fait a le plentyf. Et de tiel de-
ment le say la disseisin ne done nulle
cause dauer prenent countre comun
droit mes de fyne force il mounster
auaunt especialte

And assise of nouell dissesyn & writ of
entre sur dyssin conteyning within them
no tytle but suppose a dissesyn to be don
to the playntyff and of the intedement of
the law the dissesyn gyuyth no cause of a
uerment agayns comyn right but of nece
sitie behouyth to shew forth a dede

Suite seruyce est a venir a la court
de .iii. semaignes entyere semayg-
nes p an entier & pur ceo serra pde
disseisine & nient amercy

Seynte seruyce is to come to the court of
thre weks to iii. wekes by the hole yere &
for that a man shalbe distreynyd and not
amercyed.

Suite reals est a venir a la courte
de liete & ceo nest forsq deux foyez
en an & pur ceo ceo ne serra amer-
ge & non pas disseisyne.

Seynte reall is to come to the court of the
lete and that is not but .ii. tymys in the
yere and for that a man shalbe amercyed
and not dystraynyd

dissesyne nitur simpl & pure
et simple reall car par ma
sivit p vne suit reall ne
voet lo auowe, ne suit
p le mere ne accuse de
le mere est le suit nove est lo
dissesyne et nie nut
amercy &. / 12. H7. 16.

Cfinis.

Cfinis.

Impressum cum priuilegio

Q yarmouth de Lyé fruitour arpenteur a ses gromds de nadme post
gromds de Cutty Lyé & vlcoynen /

Johannes · Rastell

Note taken out of the Book of Gervasius Tilburiensis de obsolatoribus et tartaris ex libro .9°. cap. penultimo of the book called Liber Judiciarius at

Domesdaye

Libro 1. cap. penultimo

Cum inclitus rex Anglorum Willelmus victoriosus insulam suis subjugasset imperio et rebellium motus terribiles omnimode exemplis ne deinceps de retro darent exercitio fortiter ultus deprovit subjectos sibi populos, statuit ut ipse et successores ejus legibus Anglicanis uterentur scriptitatis, tam de hiis quae ad Merchenlage, Danelage et Westsaxonlage quae per approbatos quosque antea approbans transmarinos Normannis leges quae ad regni pacem tenendam et tegendas iniquas videbantur adjecit. Deinde ut quid de singulis videretur ad unum volumen ex omnibus communi consilio distinctissimo et latere suo destinari et viros et regna sub titulis. ab hoc itaque volumine breve describi diligens facta est tam de thesauris quae postea non ad plenum et aggregatum et verbis communibus annotata in libro undarte est vel quia labor fuerat suus voluntatem alienum ad esse videtur et in omnes, sic autem descriptio et commutationes et ventilationes et hydas, annotato in ipso capite regis nomine ut deinde seriatim alios provocet nominibus appositis deum statuas in dignitate unique ordo de rege tenuit in capite, appositum tantum singulis annis ut stirpem ordinis sic descriptis et quos in ipsa libri serie ad eos pertinent facilius valuerint hic liber ab Judicii nisi Domesday appellari a dicti Judicii et inevitabili sui summa districti et terribilis, ayamonius altius nodissimus sententia nulla vero asserationis arbe valet eludi. Sed ad ortum sanctum in regno voluntario de hiis ordinis quae illis annotantes ad unum quaerat ad libandi et ut in thesauri nil possit vel minorum declinari ob hoc nisi quod in libro nisi Judiciarius nominamus, nisi quod in eo de exposito aliquibus dubiis sententia, sed quid ab eo stet a judicio Judicii nil deleat vel alia rationis distrahat.

descriptio libri Domesday